

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
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ANDREW M. CUOMO
GOVERNOR

CEMETERY BOARD

ROSSANA ROSADO
SECRETARY OF STATE
CHAIR

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

APPROVED

Cemetery Board Minutes

July 25, 2018
Department of State
One Commerce Plaza, Albany, NY

BOARD MEMBERS PRESENT:

Mark Pattison, Department of State, Chair
Jill Faber, Office of Attorney General

Paul Ambrose, Department of Health

OTHER ATTENDEES:

Lewis A. Polishook, Division of Cemeteries
Antonio Milillo, Department of State, Counsel
Joshua Beams, Department of State

Chester Butkiewicz, Division of Cemeteries
Alicia Young, Division of Cemeteries

GUESTS:

David F. Fleming, New York State Association of Cemeteries
Calum d'Oelsnitz, New York State Association of Cemeteries
Scott Henderson, New York State Funeral Directors Association
Bruce Geiger, Pinelawn Cemetery
Richard Freiman, Esq., Beverly Hills Cemetery
Theresa Marangas, Esq., Beverly Hills Cemetery
Aaron Shipper, Beverly Hills Cemetery
Jonathan Bernz, Hudson Property Advisers

18-07-A-35 Minutes of Previous Meetings

Motion was made, seconded, and unanimously adopted approving the minutes of the June 4, 2018 meeting as amended.

18-06-B-36 Legislation and Regulation

1. Pending Legislation

Mr. Milillo reported that two bills had passed both houses of the Legislature:

A/5784-A/S.2606-A: This bill would amend the N-PCL, the General Municipal Law and the Town Law to prohibit the construction of any mausoleum or columbarium in a cemetery where such mausoleum or columbarium is the only form of interment offered in the cemetery.

A.10515/S.7835: This bill would require cemeteries to give the cemetery board and the municipality where they are located 180 days' notice that they are heading toward abandonment. The cemetery board would have 60 days to report the cemetery's finances to the municipality at which time the parties would work to avoid abandonment. This bill also requires the cemetery board to appoint a receiver on application by the town and allows the town to seek abandonment funds for 25 years for "previously constructed cemetery structures that may need additional repair."

2. Rules and Regulations

None.

18-06-C-37 Division's Report

Mr. Polishook reported that Division staff will meet on July 26, 2018 in Syracuse, to discuss the Division's strategic operating plan and various other matters.

18-06-D-38 Beverly Hills/Rose Hills Cemetery (40-003 Westchester) – Land Purchase

By application dated November 21, 2017, Beverly Hills/Rose Hills Cemetery in Putnam Valley, New York, seeks to acquire 55.52 acres of adjoining land from two former board members and an entity controlled by the cemetery's holders of certificates of indebtedness. The Division recommends that the Board deny the application even though it believes the cemetery needs additional land.

After extensive discussion with cemetery representatives, the board deferred consideration of the application until it heard from counsel to the board in executive session. Counsel to the cemetery requested that the board table making any decision to give the cemetery time to provide additional material in response to questions and concerns raised in public session.

18-07-E-39 Evergreens Cemetery (24-002 Kings) – Major Renovation

By application dated June 29, 2018, Evergreens Cemetery in Brooklyn, New York seeks approval of a major renovation to develop a new section and approval of a columbarium. Both applications concern an area where the cemetery is performing restoration work pursuant to a grant by New York State Parks, Recreation and Historic Preservation to remediate an area damaged by Superstorm Sandy. The project will develop a hillside for burials and install columbarium units alongside the terraced areas created by the restoration work.

Motion was made, seconded, and unanimously adopted approving the applications for a major renovation and for development of a columbarium, subject to all local/municipal approvals and Division's receipt and review of a complete set of plans stamped by a Registered Architect or Professional Engineer.

18-07-F-40 Vestal Hill Memorial Park (04-039 Broome) – Major Renovation

By application dated November 8, 2017, the cemetery seeks approval of a major renovation to restore dilapidated mausoleum structures. These structures date from the 1970s and 1980s and were in deteriorated condition before current management came to the cemetery, and until now the cemetery has lacked adequate funds to perform necessary repairs. The mausoleum structures have been the subjects of several complaints by lot owners.

Although the original application requested a recommendation of approval of a loan against the cemetery's permanent maintenance fund, a Division audit found a surplus in that fund that could be used to finance the project without a PM loan.

Motion was made, seconded, and unanimously adopted approving the application, subject to all local/municipal approvals and Division's receipt and review of a complete set of plans stamped by a Registered Architect or Professional Engineer.

Other matters

The next Cemetery Board meeting is to be held on August 8, 2018 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.

Motions to go into, and subsequently exit, executive session were made, seconded and unanimously adopted.

The board reported that, after discussions in executive session, and at the request of Beverly Hills/Vestal Hills, consideration of the application would be tabled pending receipt of the supplemental submission described by counsel to the cemetery.

Motion to adjourn made, seconded, and unanimously carried.